

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JUAN M. ALCARAZ,

Petitioner,

vs.

D.W. NEVEN, *et al.*,

Respondents.

Case No. 2:13-cv-1826-JAD-PAL

ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner.

The petition in the instant action challenges petitioner's state conviction for murder with the use of a deadly weapon and carrying a concealed weapon in the Eighth Judicial District Court for the State of Nevada. Petitioner previously challenged the same conviction in this Court, in a federal habeas petition filed under case number 2:13-cv-00818-JCM-PAL. Although the petition in case number 2:13-cv-00818-JCM-PAL was dismissed, petitioner's motion for reconsideration was granted by order filed May 16, 2014. (Doc. 7 in 2:13-cv-00818-JCM-PAL). In the order filed May 16, 2014, the Court directed respondents to file a response to the petition filed in that case. (*Id.*). Because the habeas petition in 2:13-cv-00818-JCM-PAL has been reopened and now proceeds, the above-captioned action is duplicative, as it raises the same issues asserted in the petition filed under 2:13-cv-00818-JCM-PAL.

1 **IT IS THEREFORE ORDERED** that petitioner's application to proceed *in forma pauperis*
2 (Doc. 1) is **DENIED** as moot.

3 **IT IS FURTHER ORDERED** that this action is **DISMISSED WITH PREJUDICE** as
4 duplicative of the pending petition filed in case number 2:13-cv-00818-JCM-PAL.

5 **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly.

6 **IT IS FURTHER ORDERED** that petitioner shall file no further documents in this closed
7 action, but shall proceed with litigating his petition in case number 2:13-cv-00818-JCM-PAL.

8 Dated: May 20, 2014.

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12 UNITED STATES DISTRICT JUDGE
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